

## **In the Specification**

Please replace paragraphs [0001], [0002], [0005], [0006], [0023], [0024], [0043], [0070], [0084], [0094] as follows.

[0001] The present invention relates to a new and distinct variety of nectarine tree, *Prunus persica* var. ~~(*nucipersica*)~~ *nucipersica*, and which will hereinafter be denominated varietally as "GBN-ONE," and more particularly to a nectarine tree which produces fruit which are mature for harvesting and shipment during the third week of August in the ~~Cutler~~ area of the central San Joaquin valley of California.

[0002] The present variety of nectarine tree was discovered as a bud sport of the "August Red" nectarine tree (Plant Patent No. 6363) during the 2000 growing season. The new variety was discovered in a cultivated nectarine orchard which is located along Avenue 400 and Road 120 ~~in Cutler~~ near the town of Orosi, California. The inventor upon identifying the promising new variety asexually reproduced the newly discovered variety during the dormant season between the years of 2000 and 2001 by budding the newly discovered variety of nectarine tree onto 'Nemaguard' (unpatented) rootstock at an orchard which is located along Avenue 408 and Road 136 near Cutler, California. These asexually reproduced trees bore their first fruit during August, 2002. The inventor has carefully compared the asexually reproduced trees with that of the original bud sport including the fruit produced by the respective trees. Still further, it was confirmed during the 2003 growing season that the trees and fruit produced by these asexual reproductions are identical in all respects to the original bud sport.

[0003] The 'GBN-ONE' nectarine tree is characterized principally as to novelty by producing a clingstone fruit having an exceptionally desirable coloration, and which

matures during the third week of August under the climatic conditions prevailing in the central San Joaquin Valley. This date of harvesting is about 3 to 5 days after the 'August Fire' nectarine tree (U.S. Plant Patent 11,477) which also produces a highly colored fruit, and is further closely similar in its harvesting date to the 'August Red' nectarine tree (U.S. Plant Patent 6363), from which it was derived from a bud sport. However, the present variety is clearly distinguishable from the 'August Red' nectarine tree (U.S. Plant Patent 6363) by producing a more highly colored nectarine fruit. The present variety "GBN-ONE" is also noted for its good flavor, noteworthy storage characteristics and further that the fruit holds well on the tree prior to harvest. The asexually reproduced trees appear to bear consistently from year to year.

**[0005]** Referring more specifically to the horticultural details of this new and distinct variety of nectarine tree, the following characteristics have been observed under the ecological conditions prevailing at the orchard of origin which is located near ~~Cutler~~, Orosi, California in the San Joaquin Valley of central California. All major color code designations are by reference to the Dictionary of Color by Maerz and Paul, 1<sup>st</sup> Ed. 1930. Common color names are also occasionally employed.

**[0006]** Size - Medium for the variety. The present asexually reproduced trees have not reached full size as of the date of this application. These third leaf trees presently are about 4-6 feet high and have a spread of about 3-4 feet.

**[0023]** Lenticels - Numbers - Few, approximately 10-15 lenticels are located between the internodes.

**[0024]** Lenticels - Size - Considered small, about 1-2 mm in length, and having a color of mauve castor, plate 55-H-2.

**[0043]**        Flowers - Generally - The flowers are considered to be a showy type. The present flowers are considered perfect flowers, and no additional pollination is required to set fruit.

**[0070]**        Size - Generally - Average and considered uniform. Based upon the present fruit size, the average weight of the fruit ranges from about 6 to about 8 ounces. This weight range is not considered a characteristic of the present variety because it may be readily altered by cultural practices, that is, thinning, irrigation, fertilization, and pruning, as well as unseasonal environmental conditions.

**[0084]**        Skin Texture - Considered smooth and firm.

**[0094]**        Texture - Firm, considered semi-hard at full commercial maturity.